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10/594,059

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EXAMINER

REYNOLDS, STEVEN ALAN

ART UNIT

PAPER NUMBER

3728

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/594,059	Applicant(s) SUZUKI ET AL.	
	Examiner Steven Reynolds	Art Unit 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. Claims 1, 4 and 8 are objected to because of the following informalities:

In claim 1, line 6, it appears that "which surrounds the outer peripheral edges" should be "which surrounds outer peripheral edges".

In claim 1, lines 12-13, it appears that "edge portion of the one side intermediate frame member" should be "edge portion of one intermediate frame member".

In claims 4 and 8, the expression "shape of a pole" must be changed to properly define the structure as disclosed. To the degree of Examiner's understanding, it is assumed that the shape should be parallelepiped.

In claim 8, line 8, it appears that "a flange potion" should be "a flange portion".

Appropriate correction is required. Applicant is advised to review the claims in their entirety for more errors such as those pointed out above.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "one side opening edge" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the other side supporting piece" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the other side opening edge" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the inner periphery of one side opening" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the adjoining side edges" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the bending lines" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the outer peripheral edge portion" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the bending lines" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Applicant is advised to review the claims in their entirety for more errors such as those pointed out above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-3, 6, 7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ridgeway (US 6,302,274) in view of Stone et al. (US 2,993,587). Ridgeway discloses a shock absorbing packaging material comprising a pair of intermediate frame members (opposing frame members 10 that encase A - See Fig. 5) over which shock absorbing film (58) is stretched so as to cover a window hole and an outer frame member (box 110 – See Fig. 5) which holds the pair of the intermediate frame members in an opposing condition. Ridgeway discloses the claimed invention except for the outer frame member being in the form of a tube body.

However, Stone teaches a packaging (See Fig. 1) comprising a pair of intermediate frame members (8 and 9) and an outer frame member (5) which holds the pair of the intermediate frame members in an opposing condition wherein said outer

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frame member is constituted of a tube body which surrounds outer peripheral edges of said pair of the intermediate frame members, a one side supporting piece (top flaps in Fig. 2) extending from one side opening edge of the tube body and the other side supporting piece (bottom flaps in Fig. 2) extending from the other side opening edge of the tube body, and the pair of the intermediate frame members are disposed in a hollow portion of the tube body and the outer peripheral edge portion of the one side intermediate frame member is supported by the one side supporting piece folded inward of the tube body while the outer peripheral edge portion of the other side intermediate frame member is supported by the other side supporting piece folded inward of the tube body (See Fig. 1) for the purpose of securing the article in place while enabling the article to be viewed from two sides while within the outer frame. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted the outer frame (box) of Ridgeway with a tube body outer frame as taught by Stone in order to allow the sides of the article to be viewed when the article is in the outer frame.

Regarding claim 2, Ridgeway-Stone discloses a flange (upper element 6 – See Stone Fig. 1) is formed on the inner periphery of one side opening of the tube body by the one side supporting piece folded inward of the tube body while a flange (lower element 6 – See Stone Fig. 1) is formed on the inner periphery of the other side opening of the tube body by the other side supporting piece folded inward of the tube body, and the outer peripheral edge portion of the one side intermediate frame member is supported by the flange formed on the inner periphery of the one side opening of the

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tube body while the outer peripheral edge portion of the other intermediate frame member is supported by the flange formed on the inner periphery of the other side opening of the tube body.

Regarding claim 3, Ridgeway-Stone discloses the flange formed on the inner periphery of one side opening of the tube body is formed in the shape of a plane opposing the other side opening of the tube body, while the flange formed on the inner periphery of the other side opening of the tube body is formed in the shape of a plane opposing the one side opening of the tube body.

Regarding claim 6, Ridgeway-Stone discloses the outer frame member is made of a single piece of blank (See Stone Fig. 2), the blank being composed of a plurality of outside wall portions designed to constitute a tube body, connected to each other such that they are arranged in line, a link portion (panel 7) is formed on the side edge of the outside wall portion located at one side end of the plurality of outside wall portions arranged in line, the one side supporting piece is connected to the bottom edge of the outside wall portions which serve as one side opening edge of the tube body, while the other side supporting piece is connected to the upper edge of the outside wall portions which serve as the other side opening edge of the tube body, and by folding the respective outside wall portions in the same direction so as to connect the link portion to the side edge of the outside wall portion located at the other side end of the plurality of outside wall portions arranged in line, the tube body is formed.

Regarding claim 7, Ridgeway-Stone discloses one side supporting piece has an inner wall portion connected to one side opening edge of the tube body and a flange

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portion connected to the inner wall portion and the other side supporting piece has an inner wall portion connected to the other side opening edge of the tube body and a flange portion (fold down flap) connected to the inner wall portion, wherein a flange is formed on the inner periphery of one side opening of the tube body by a flange portion (fold down flap) opposing the other opening of the one side supporting piece folded inward of the tube body and then, a flange (end of the flap which contacts the intermediate frame member) is formed on the inner periphery of the other side opening of the tube body by a flange opposing the one side opening of the other side supporting piece folded inward of the tube body and, wherein the outer peripheral edge portion of the one side intermediate frame member is supported by the flange formed on the inner periphery of the one side opening of the tube body and the outer peripheral edge portion of the other side intermediate frame member is supported by the flange formed on the inner periphery of the other side opening of the tube body.

Regarding claim 9, Ridgeway-Stone discloses bending lines (fold lines between panels 5 and 6 – See Stone Fig. 2) are formed in the inner wall portion

Regarding claim 10, Ridgeway-Stone discloses each intermediate frame member is comprised of a frame body (Ridgeway, 30) having a window hole and outward projected pieces (16/18/24/26) perpendicular to the frame body, wherein the outward projected piece of one side intermediate frame member disposed in the hollow portion of the tube body is inserted into between the tube body and the one side supporting piece folded inward of the tube body and the outward projected piece of the other side intermediate frame member disposed in the hollow portion of the tube body is inserted

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into between the tube body and the other side supporting piece folded inward of the tube body.

8. Claims 4, 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ridgeway (US 6,302,274) in view of Stone et al. (US 2,993,587) as applied to claim 1 above, and further in view of Atsushi et al. (JP 11208727). As described above, Ridgeway-Stone discloses the claimed invention except for the specifics of the side supporting pieces. However, Atsushi teaches a package comprising side supporting pieces (K) having a plurality of bending lines for allowing the supporting pieces to fold inwardly to form the shape of a pole (parallelepiped structure). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the side supporting pieces of Ridgeway-Stone with extensions including bending lines for folding the portions of the side supporting pieces inwardly to form parallelepiped shapes as taught by Atsushi in order to increase the strength of the structure to better protect the contents of the package.

Further regarding claim 8, the modified device of Ridgeway-Stone-Atsushi discloses one side supporting piece has an inner wall portion connected to one side opening edge of the tube body, a flange portion connected to the inner wall portion and a front end portion (portion of the parallelepiped structure) connected to the flange portion and the other side supporting piece has an inner wall portion connected to the other side opening edge of the tube body, a flange portion connected to the inner wall portion and a front end portion (portion of the parallelepiped structure) connected to the

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flange portion, wherein flange is formed on the inner periphery of the one side opening of the tube body by a flange portion opposing the other side opening, of the one side supporting piece folded inward of the tube body and then formed in the shape of a pole (parallelepiped structure) and a flange is formed on the inner periphery of the other side opening of the tube body by a flange portion opposing the one side opening, of the other side supporting piece folded inward of the tube body and then formed in the shape of a pole (parallelepiped structure), and, wherein the outer peripheral edge portion of the one side intermediate frame member is supported by the flange formed on the inner periphery of the one side opening of the tube body while the outer peripheral edge portion of the other side intermediate frame member is supported by the flange formed on the inner periphery of the other side opening of the tube body.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ridgeway (US 6,302,274) in view of Stone et al. (US 2,993,587) as applied to claim 1 above, and further in view of Paige (US 3,226,005). As described above, Ridgeway-Stone discloses the claimed invention except for the hooking portions formed on adjoining edges of the supporting pieces. However, Paige teaches an outer frame (container in 12) comprising a plurality of sidewalls including hooking portions (32/26 – See Fig. 6) thereon for the purpose of interlocking the sidewalls together to secure the container in its folded arrangement. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the edges of the side supporting pieces of Ridgeway-Stone with hooking portions as taught by Paige in order to more

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securely hold the supporting pieces together in the tube-like arrangement as seen in Stone Fig. 1.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ridgeway (US 6,302,274) in view of Stone et al. (US 2,993,587) as applied to claim 1 above, and further in view of Ridgeway (4,852,743). As described above, Ridgeway-Stone discloses the claimed invention except for the outer peripheral edge portion of the shock absorbing film being bonded to the outward projected pieces of the intermediate frame members. However, Ridgeway '743 teaches a shock absorbing packaging comprising a pair of intermediate frame members (3 and 9) over which shock absorbing film (7 and 12) is stretched so as to cover a window hole, wherein the outer peripheral edge portion of the shock absorbing film is bonded to outward projected pieces (See Fig. 1, where the film extends around to the sidewalls of the intermediate frame members) for the purpose of securely holding the film in place. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the film of Ridgeway '274-Stone to extend across the frame body to the outward projected pieces as taught by Ridgeway '743 in order to increase the surface area of the film to better protect the contents of the package.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 form.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Reynolds whose telephone number is (571)272-9959. The examiner can normally be reached on Monday-Friday 9:30am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571)272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. R./
Examiner, Art Unit 3728

/Mickey Yu/
Supervisory Patent Examiner, Art
Unit 3728